IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

Bail Appl..No. 1841 of 2007()

CRIME NO.158/2007 OF KOTTARAKKARA POLICE STATION

PETITIONERS

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1. DAMODARAN, S/O.SANKARAN,
   THENGUVILA VEETTIL,PUTHOORMUKKU,
   KULAKADA P.O.,KALAYAPURAM VILLAGE,
   KOLLARAKARA, KOLLAM DISTRICT.

2. SANKARAN,
   THENGUVILA VEETTIL,PUTHOORMUKKU,
   KULAKADA P.O.,KALAYAPURAM VILLAGE,
   KOLLARAKARA, KOLLAM DISTRICT.

3. SANTHA, D/O.SANKARAN,
   THENGUVILA VEETTIL,PUTHOORMUKKU,
   KULAKADA P.O.,KALAYAPURAM VILLAGE,
   KOLLARAKARA, KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
SUB INSPECTOR OF POLICE, KOTTARAKKARA
POLICE STATION, KOLLAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1841/2007

Dated this 28th day of March, 2007

O R D E R

The petitioners, who are the husband, father-in-law and sister-in-law of Omana, the defacto complainant, seek anticipatory bail. The petitioners are accused Nos. 1 to 3 in Crime No.158/2007 of Kottarakkara Police Station for offences punishable under Sections 498-A and 494 IPC. The marriage between the defacto complainant, Omana, and the first accused took place on 10.2.2000. A child has been born in that wedlock. The complaint of the defacto complainant is that from the eighth month of the marriage onwards, she has been ill-treated and harassed by the petitioner with demands of dowry and the petitioner has subsequently contracted another marriage with one Radha.

2. After hearing both sides and considering the facts and circumstances of this case, I am inclined to grant anticipatory bail to the petitioners 2 and 3 (accused Nos. 2 and 3).

3. Accordingly, a direction is issued to the Investigating Officer to release the petitioners 2 and 3 (accused Nos. 2 and 3) on bail for a period of one month in the event of their arrest in

connection with the above case on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the Investigating officer and subject to the following conditions:

(a). The second petitioner (second accused) shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). Petitioners 2 and 3 (accused Nos. 2 and 3) shall make themselves available for interrogation as and when required by the Investigating Officer.

(c). Petitioners 2 and 3 (accused Nos. 2 and 3) shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

(d). Petitioners 2 and 3 (accused Nos. 2 and 3) shall not commit any offence while on bail.

(e). Petitioners 2 and 3 (accused Nos. 2 and 3) shall surrender before the Magistrate

concerned and seek regular bail in the meanwhile.

4. If the petitioners 2 and 3 (accused Nos. 2 and 3) commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

5. In the case of the first petitioner, who is the husband of Omana, the defacto complainant, he shall surrender before the Investigating Officer for interrogation and his application for regular bail shall, thereafter, be considered by the Magistrate having jurisdiction.

6. Accordingly, the first petitioner (first accused) is directed to surrender before the Investigating Officer on any day between 2.4.2007 and 4.4.2007 for the purpose of interrogation. He shall, thereafter, be produced on the same day before the concerned Magistrate who shall release him on bail on appropriate conditions.

The application is partly allowed as above.

V.RAMKUMAR,
JUDGE

mrcs